

## Whalen, Marilyn

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**From:** Mogharabi, Nahal  
**Sent:** Wednesday, September 03, 2014 3:22 PM  
**To:** Armann, Steve; Huetteman, Tom; Keener, Bill  
**Subject:** FW: Malibu Schools' Environmental Contamination Case  
**Attachments:** Letter.pdf; ATT00001.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green Category

FYI.

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**From:** Blumenfeld, Jared  
**Sent:** Wednesday, September 3, 2014 2:57 PM  
**To:** Zito, Kelly; Scott, Jeff; Mogharabi, Nahal  
**Subject:** Fwd: Malibu Schools' Environmental Contamination Case

Jared Blumenfeld  
EPA

Begin forwarded message:

**From:** Cami Winikoff <[cam@sobini.com](mailto:cam@sobini.com)>  
**Date:** September 3, 2014 at 11:40:25 AM PDT  
**To:** "[Laura Schiller@boxer.senate.gov](mailto:Laura_Schiller@boxer.senate.gov)" <[Laura\\_Schiller@boxer.senate.gov](mailto:Laura_Schiller@boxer.senate.gov)>  
**Cc:** "[bettina\\_poirier@epw.senate.gov](mailto:bettina_poirier@epw.senate.gov)" <[bettina\\_poirier@epw.senate.gov](mailto:bettina_poirier@epw.senate.gov)>, "[mccarthy.gina@epa.gov](mailto:mccarthy.gina@epa.gov)" <[mccarthy.gina@epa.gov](mailto:mccarthy.gina@epa.gov)>, "[blumenfeld.jared@epa.gov](mailto:blumenfeld.jared@epa.gov)" <[blumenfeld.jared@epa.gov](mailto:blumenfeld.jared@epa.gov)>, "[kaufman.hugh@epa.gov](mailto:kaufman.hugh@epa.gov)" <[kaufman.hugh@epa.gov](mailto:kaufman.hugh@epa.gov)>, "[hughbkaufman@comcast.net](mailto:hughbkaufman@comcast.net)" <[hughbkaufman@comcast.net](mailto:hughbkaufman@comcast.net)>, "[speak@malibucity.org](mailto:speak@malibucity.org)" <[speak@malibucity.org](mailto:speak@malibucity.org)>, "[governor@governor.ca.gov](mailto:governor@governor.ca.gov)" <[governor@governor.ca.gov](mailto:governor@governor.ca.gov)>, "[andrea.koskey@ltg.ca.gov](mailto:andrea.koskey@ltg.ca.gov)" <[andrea.koskey@ltg.ca.gov](mailto:andrea.koskey@ltg.ca.gov)>, "[slyon@smmusd.org](mailto:slyon@smmusd.org)" <[slyon@smmusd.org](mailto:slyon@smmusd.org)>, "[mlvazquez@smmusd.org](mailto:mlvazquez@smmusd.org)" <[mlvazquez@smmusd.org](mailto:mlvazquez@smmusd.org)>, "[rmechur@smmusd.org](mailto:rmechur@smmusd.org)" <[rmechur@smmusd.org](mailto:rmechur@smmusd.org)>, "[ballen@smmusd.org](mailto:ballen@smmusd.org)" <[ballen@smmusd.org](mailto:ballen@smmusd.org)>, "[odelatorre@smmusd.org](mailto:odelatorre@smmusd.org)" <[odelatorre@smmusd.org](mailto:odelatorre@smmusd.org)>, "[jescarce@smmusd.org](mailto:jescarce@smmusd.org)" <[jescarce@smmusd.org](mailto:jescarce@smmusd.org)>, "[llieberman@smmusd.org](mailto:llieberman@smmusd.org)" <[llieberman@smmusd.org](mailto:llieberman@smmusd.org)>, "[npatel@smmusd.org](mailto:npatel@smmusd.org)" <[npatel@smmusd.org](mailto:npatel@smmusd.org)>, Paula Dinerstein <[pdinerstein@peer.org](mailto:pdinerstein@peer.org)>, Jennifer deNicola <[admin@malibuunites.com](mailto:admin@malibuunites.com)>, "[Stanislaus.Mathy@epa.gov](mailto:Stanislaus.Mathy@epa.gov)" <[Stanislaus.Mathy@epa.gov](mailto:Stanislaus.Mathy@epa.gov)>, "[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)" <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>  
**Subject:** Malibu Schools' Environmental Contamination Case

Dear Senator Boxer,

I am writing to you again regarding the Malibu school contamination issue. It has come to our attention that over the years you have sponsored at least four different legislative bills that address similar concerns regarding the health and safety of our children. Thankfully in our situation, and as head of the EPA Senate committee, you need only to enforce the current TSCA law to help protect our children and teachers. We implore you to take action.

At least three more alumni from the graduating classes of 2002 and 2003 have come forth since the Malibu Unites rally on August 12 reporting that they have been diagnosed with thyroid cancer. We have now identified 9 young alumni under the age of 30 with thyroid disease or cancer. This is in addition to the 17 Malibu High teachers currently being treated for cancer or thyroid disorders. One of our teachers, who had previously given birth to a son with a rare cancer that almost took his life, is pregnant again. She still works in a room we believe has PCBs in excess of federal law. The science tells us there is no acceptable level of PCB exposure for a pregnant woman. This situation must be addressed quickly for the health and welfare of many.

Our school district has hired the law firm Pillsbury Winthrop Shaw Pittman to represent them. Pillsbury has many ties to big business, including Monsanto. As you know, Monsanto was the sole producer of PCBs in the United States prior to Congress banning PCBs in 1979.

At a meeting of the Malibu City Council last Monday, where more than 75 parents and children attended and testified in favor of comprehensive testing of our schools, Marco Lopez-Miller, who contracted with SMMUSD's hired cleaning company, came forward of his own accord. District press releases stated that the EPA supervised the summer cleaning at Malibu High. But Mr. Lopez-Miller testified that he was hired to do a "light cleaning" and was not required to take any of the necessary precautions required to clean PCB-contaminated rooms. The school district has admitted that their testing has uncovered high and unsafe levels of PCBs, and areas have to be re-cleaned to bring the levels down. Mr. Lopez-Miller was never told about the Federal requirements of proper protection or disposal of PCB material. He did say, however, that he has never seen such a filthy school. He was as shocked as we are that our schools do not even measure up to the standard of cleanliness at schools in his native country of Ecuador, a developing nation. Please watch his passionate testimony attached below.

So far the school district and even the EPA regional office have ignored independent testing results from EPA certified laboratories. These tests have shown rooms with PCB levels in excess of 7,000 times federal law. We are aware that the situation in which we find ourselves in Malibu is potentially a criminal violation of the Toxic Substances Control Act and concomitance act 40 CFR 761.

"The [EPA] Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that...**PCB Items with PCB concentrations of 50 ppm or greater present an unreasonable risk of injury to health...[and is illegal]...**"

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr761\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr761_main_02.tpl)

We need your help to enforce the law and demand all the rooms built prior to 1979 be tested. This is the only way we can know the extent of the problem and can begin to properly remedy the contamination.

Senator Boxer, you have the power to ensure that the right action be taken, and in setting precedent, to help millions of children nationally. We have contacted you multiple times before. Please respond to our plea for your help.

Sincerely,

Cami Winikoff

<http://youtu.be/Ee4LNBut9-k>

<http://youtu.be/SrqMuFc2zng>

2010 -- <https://www.govtrack.us/congress/bills/111/s3873>

2001 -- <https://www.govtrack.us/congress/bills/107/s855>

1997 -- <https://www.govtrack.us/congress/bills/105/s599>

1996 -- <https://www.govtrack.us/congress/bills/104/s2179>

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CC. Bettina Poirier, EPW Staff Director for the Majority  
Gina McCarthy, EPA Administrator  
Jared Blumenfeld, EPA Region IX Administrator  
Hugh B. Kaufman, EPA (OSWER)  
Skylar Peak, Mayor of the City of Malibu  
Jerry Brown, Governor of California  
Gavin Newsom, Lieutenant governor of California  
Sandra Lyon, SMMUSD Superintendent of Schools  
Maria Leon-Vazquez, President of SMMUSD Board of Education  
Ralph Mechur, Vice President of SMMUSD Board of Education  
Ben Allen, SMMUSD Board of Education  
Oscar de la Torre, SMMUSD Board of Education  
Jose Escarce, SMMUSD Board of Education  
Laurie Lieberman, SMMUSD Board of Education  
Nimish Patel, SMMUSD Board of Education  
Paula Dinerstein, PEER  
Jennifer deNicola, Malibu Unites  
Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency  
Response, US EPA  
Barry Breen, Principal Deputy Assistant Administrator, Office of Solid Waste and  
Emergency Response, US EPA